

2023 -- H 5956

LC002117

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives J. Brien, Corvese, Phillips, Noret, Chippendale, O'Brien,
and Azzinaro

Date Introduced: March 01, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1 and 17-20-2.2 of the General Laws in Chapter 17-20
2 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

4 (a) Any legally qualified elector of this state whose name appears upon the official voting
5 list of the city, town, or district of the city or town where the elector is qualified, and who desires
6 to avail himself or herself of the right granted to him or her by the Constitution and declared in this
7 chapter, may obtain from the local board in the city or town a form prepared by the secretary of
8 state as prescribed in this section, setting forth the elector's application for a mail ballot or may
9 apply online in accordance with § 17-20-2.3.

10 (b) Whenever any person is unable to sign his or her name because of physical incapacity
11 or otherwise, that person shall make his or her mark "X".

12 (c) To receive a ballot in the mail, an elector must submit an application in person or by
13 mail, so that it is received by the local board, or received electronically through the portal
14 established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the ~~twenty-first (21st)~~
15 fourteenth day before the day of any election referred to in § 17-20-1.

16 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in
17 order to be valid, must have been cast in conformance with the following procedures:

18 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
19 Rhode Island address provided by the elector on the application. In order to be valid, the voter must

1 affix his or her signature on all certifying envelopes containing a voted ballot.

2 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
3 name and location of the hospital, convalescent home, nursing home, or similar institution where
4 the elector is confined. All mail ballots issued pursuant to § 17-20-2(2) shall be delivered to the
5 elector at the hospital, convalescent home, nursing home, or similar institution where the elector is
6 confined.

7 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed to the address provided
8 by the elector on the application or sent to the board of canvassers in the city or town where the
9 elector maintains his or her voting residence. In order to be valid, the voter must affix his or her
10 signature on the certifying envelope containing voted ballots. Any voter qualified to receive a mail
11 ballot pursuant to § 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of
12 United States Public Law 99-410, the Uniformed and Overseas Citizens Absentee Voting Act
13 (UOCAVA).

14 (4) All mail ballots issued pursuant to § 17-20-2(4) may be mailed to the elector at the
15 address within the United States provided by the elector on the application or sent to the board of
16 canvassers in the city or town where the elector maintains his or her voting residence. In order to
17 be valid, the voter must affix his or her signature on all certifying envelopes containing a voted
18 ballot. In order to be valid, all ballots sent to the elector at the board of canvassers, must be voted
19 in conformance with the provisions of § 17-20-14.2.

20 (e) Any person knowingly and willfully making a false application or certification, or
21 knowingly and willfully aiding and abetting in the making of a false application or certification,
22 shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

23 (f) In no way shall a mail ballot application be disqualified if the voter's circumstances
24 change between the time of making the application and voting his or her mail ballot as long as the
25 voter remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board
26 of canvassers shall provide the state board of elections with written notification of any change in
27 circumstances to a mail ballot voter.

28 **17-20-2.2. Requirements for validity of emergency mail ballots.**

29 (a) Any legally qualified elector of this state whose name appears upon the official voting
30 list of the town or district of the city or town where the elector is so qualified is eligible to vote by
31 emergency mail ballot according to this chapter. Within ~~twenty (20)~~ thirteen (13) days or less prior
32 to any election, the elector may obtain from the local board an application for an emergency mail
33 ballot or may complete an emergency in-person mail ballot application on an electronic poll pad at
34 the board of canvassers where the elector maintains his or her residence.

1 (b) The emergency mail ballot application, when duly executed, shall be delivered in
2 person or by mail so that it shall be received by the local board, or received electronically through
3 the portal established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the last day
4 preceding the date of the election.

5 (c) The elector shall execute the emergency mail ballot application in accordance with the
6 requirements of this chapter.

7 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency mail
8 ballot, except those emergency mail ballots being cast pursuant to subsection (g) of this section, in
9 order to be valid, must have been cast in conformance with the following procedures:

10 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
11 state of Rhode Island address provided on the application by the office of the secretary of state, or
12 delivered by the local board to a person presenting written authorization from the elector to receive
13 the ballots, or cast in private at the local board of canvassers. In order to be valid, the voter must
14 affix his or her signature on the certifying envelope containing a voted ballot. In order to be valid,
15 all ballots sent to the elector at the board of canvassers must be voted in conformance with the
16 provisions of § 17-20-14.2.

17 (2) All applications for emergency mail ballots pursuant to § 17-20-2(2) must state under
18 oath the name and location of the hospital, convalescent home, nursing home, or similar institution
19 where the elector is confined. All mail ballots issued pursuant to this subdivision shall be delivered
20 to the elector by the bipartisan pair of supervisors, appointed in conformance with this chapter, and
21 shall be voted in conformance with the provisions of § 17-20-14.

22 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed by the office of the
23 secretary of state to the elector at an address provided by the elector on the application, or cast at
24 the board of canvassers in the city or town where the elector maintains his or her voting residence.
25 Any voter qualified to receive a mail ballot pursuant to § 17-20-2(3) shall also be entitled to cast a
26 ballot pursuant to the provisions of United States Public Law 99-410, the Uniformed and Overseas
27 Citizens Absentee Voting Act (UOCAVA).

28 (4) All mail ballots issued pursuant to § 17-20-2(4) shall be cast at the board of canvassers
29 in the city or town where the elector maintains his or her voting residence or mailed by the office
30 of the secretary of state to the elector at the address within the United States provided by the elector
31 on the application, or delivered to the voter by a person presenting written authorization by the
32 voter to pick up the ballot. In order to be valid, the voter must affix his or her signature on all
33 certifying envelopes containing a voted ballot. In order to be valid, all ballots sent to the elector at
34 the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

1 (e) The secretary of state shall provide each of the several boards of canvassers with a
2 sufficient number of mail ballots for their voting districts so that the local boards may provide the
3 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
4 process each emergency ballot application in accordance with this chapter, and it shall be the duty
5 of each board to return to the secretary of state any ballots not issued immediately after each
6 election.

7 (f) Any person knowingly and willfully making a false application or certification, or
8 knowingly and willfully aiding and abetting in the making of a false application or certification,
9 shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

10 (g) An emergency mail ballot application may be completed in person using an electronic
11 poll pad provided by the board of canvassers upon presentation by the voter of valid proof of
12 identity pursuant to § 17-19-24.2. Upon completion of the poll pad application, the voter shall be
13 provided with a ballot issued by the secretary of state and upon completion of the ballot by the
14 voter, the voter shall place the ballot into the state-approved electronic voting device, provided by
15 the board of elections and secured in accordance with a policy adopted by the board of elections.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- MAIL BALLOTS

1 This act would modify the timeline that an elector must submit an application to receive a
2 mail-in ballot from twenty-one (21) days prior to the day of election to fourteen (14) days prior to
3 the day of election. This act would also modify the application for any qualified elector to vote by
4 emergency mail ballot from twenty (20) days prior to the day of election to thirteen (13) days prior
5 to the day of election.

6 This act would take effect upon passage.

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